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Plaintiff in Pro Per

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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11 MARC WOLSTENHOLME,
12 Plaintiff,
13 vs.
14 RIOT GAMES, INC.,
15 Defendant

CASE NO. 2:25-CV-00053-FMO-BFM HON.

Hon. Fernando M. Olguin

DECLARATION OF MARC
WOLSTENHOLME

PLAINTIFF'S NOTICE OF CONCERN
REGARDING LITIGATION CONDUCT,
HARMFUL IMPACT ON PLAINTIFF'S
DISABILITY, AND REQUEST FOR COURT
GUIDANCE AND PROTECTIVE ORDER

16 Dated this: March 26th, 2025

M. WOLSTENHOLME.

17 [MARC WOLSTENHOLME]
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1 **TO THE HONORABLE COURT:**
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Plaintiff Marc Wolstenholme respectfully submits this Notice of Concern and
requests the Court's guidance and protection concerning the conduct of Defendants and their
legal counsel in the above-captioned matter.

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8 **1. PROCEDURAL BACKGROUND**
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The Court has ordered both parties to participate in a Settlement Conference
pursuant to Dkt. 75. Plaintiff has expressed his willingness to comply and has prepared extensive
documentation and communications in good faith to engage in meaningful settlement
discussions.

Despite this, Defendants continue to threaten a cascade of procedural motions,
including:

A motion to dismiss the Second Amended Complaint (SAC) on familiar grounds,

A motion to bifurcate the case,

A motion for Plaintiff to post bond under CCP §1030,

Continued rejection of Plaintiff's prerequisite conditions to settlement,

Pressure tactics concerning a proposed Protective Order Plaintiff has explicitly
declined.

1 **2. IMPACT ON PLAINTIFF'S MENTAL HEALTH AND DISABILITY**

2 The plaintiff suffers from a diagnosed anxiety disorder and is proceeding pro se.
3
4 The continued threats of procedural escalation, dismissal, and financial bond requirements after
5 these issues have already been addressed are exacerbating Plaintiff's condition and causing
6 significant emotional distress.

7
8 Plaintiff has made multiple good-faith efforts to:

9 Comply with court orders,
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11 Engage in reasonable discovery,
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13 Pursue early resolution of the dispute,
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15 Avoid unnecessary escalation of legal conflict.

16 Instead of reciprocal cooperation, Plaintiff has received increasingly aggressive
17 legal correspondence, designed, it appears, to intimidate, delay, or distract.

1 **3. REQUEST FOR PROTECTIVE ORDER UNDER FRCP 26(C)**

2 Pursuant to Federal Rule of Civil Procedure 26(c), Plaintiff respectfully moves the
3 Court to issue a Protective Order on the following grounds:

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5 A. To prevent undue burden and oppression:

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7 That the Court stay or limit procedural motions such as additional dismissals or
8 bifurcation until after the Settlement Conference concludes.

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10 B. To protect Plaintiff's mental health and accommodate his disability:

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12 That Defendants be instructed to cease repetitive procedural threats and instead
13 communicate regarding litigation matters with sensitivity to Plaintiff's documented medical
14 condition.

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16 C. To prevent manipulation of court-ordered processes:

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18 That the Court caution Defendants against undermining the purpose of the
19 Settlement Conference through preemptive and aggressive litigation maneuvers.

1 **4. REQUEST FOR COURT GUIDANCE**

2 Plaintiff seeks the Court's guidance on how to proceed with:

3 Enforcing the intended spirit and procedure of the Settlement Conference,

4 Ensuring that Riot's legal team complies with the rules of fairness and ADA
5 accommodations,

6 Establishing whether further settlement dialogue is possible or if judicial
7 intervention is required.

1 **5. Riot's Threatened Motions Are Procedurally Abusive and Have Already**
2 **Been Addressed**

3 Defendant Riot Games, Inc. has indicated its intent to file several procedural
4 motions—including a motion to dismiss, a motion to bifurcate access and similarity, and an
5 application for bond under California Code of Civil Procedure § 1030. These actions are not only
6 burdensome to a disabled pro se litigant, but also redundant, as the arguments raised have
7 already been extensively addressed and preserved in the record through the following:

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10 **a. Alleged Violation of FRCP 8 (“Short and Plain Statement”)**

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13 Riot's objection to the length of the Second Amended Complaint (SAC) fails
14 under scrutiny. The SAC, while extensive, is organized with structured sections, clearly labeled
15 exhibits, and comprehensive footnoting that meets the requirements of FRCP 10 and 11. It is not
16 1,200 pages of legal text, but a document combining narrative, factual allegation, and exhibit
17 evidence. The Court itself issued Dkt 75 (Order Re Settlement Conference) without objection to
18 the SAC's length or structure. Further, the Rule 26(f) Discovery Plan outlines the rationale for
19 the SAC's scope and confirms Plaintiff's intention to streamline issues through discovery and
20 settlement—not to burden the Court.

1 **b. Copying of Protectable Expression**
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Riot argues that the SAC fails to allege the copying of protectable expression, citing only generic ideas. This is demonstrably false. The SAC contains hundreds of side-by-side comparisons of highly specific dialogue, narrative devices, character, psychological structures, locations, symbolic imagery, musical synchronicity, and visual motifs. These are not “ideas” but expression of ideas, and many are unique in nature or combination. See Exhibits A through Z in the SAC. Furthermore, Rule 26(f) explains how these comparisons will be clarified further during discovery, especially with access to Riot’s internal drafts and development materials, if they ever release them unedited, which I do not believe they will ever do, as criminal proceedings will follow.

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15 **c. Lack of Plausible Allegation of Access**
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The SAC does allege plausible access through a documented chain of submissions to publishers, agents, and agencies directly or indirectly linked to Riot Games and Fortiche. Names include Jonny Geller, Felicity Blunt, UTA, Curtis Brown Group, and more. The “speculative theory” argument is a mischaracterization. In fact, multiple submission logs, submission timelines, and overlapping personnel connections are laid out in the SAC’s access section. Furthermore, the Rule 26(f) Discovery Plan requests precisely the kind of internal

1 communication and disclosure that would verify the allegations of access. These are not
2 hypothetical theories, but trackable pathways that Riot seeks to suppress through early dismissal.
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5 **d. Bifurcation of Access and Substantial Similarity**
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7 As stated in the Rule 26(f) Plan, Plaintiff opposes bifurcation. The issues of
8 access and similarity are interdependent and must be analyzed holistically, particularly where
9 access may be inferred from “striking similarity” and “chain of custody” of Plaintiff’s submitted
10 manuscript. Riot’s motion to bifurcate serves only to limit transparency and disrupt Plaintiff’s
11 ability to tell a unified story of infringement. The Court’s Dkt 75 Order sets the matter down for
12 settlement rather than bifurcated litigation, indicating the Court’s preference for unified
13 resolution.

14
15 **e. CCP §1030 Bond Application**
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17 This tactic is plainly designed to financially harass a disabled litigant and chill
18 access to justice. Plaintiff has no record of non-compliance or bad faith litigation. As explained
19 in Rule 26(f), Plaintiff is acting in good faith and prepared to move forward with discovery and
20 trial. Any attempt to require a bond is retaliatory and inconsistent with the principles of open
21 access to the courts. Lady justice is blind to privilege and wealth, she is impartial. It is alleged
22 that Riot Games are using wealth, accumulated perhaps nefariously, to bully and harass after
23 systematically raping a disabled and vulnerable veterans personal trauma writing, and this needs
24 to be investigated. Publicly and criminally.

1 **6. Concern Regarding Potential Conflict of Interest – Geller Surname and**
2 **Curtis Brown Group**

3 Plaintiff respectfully raises a concern regarding a potential conflict of interest that
4 must be addressed prior to settlement discussions or further procedural action.
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6 Defendant's primary legal counsel in this matter, Joshua Geller, a partner at
7 Greenberg Glusker LLP, abruptly transitioned to Mitchell Silberberg & Knupp LLP immediately
8 following a month-long leave of absence and just one day after submitting a communication to
9 the Court which the Plaintiff contends included material misrepresentations regarding Plaintiff's
10 position on settlement proceedings.
11

12 This sudden departure, combined with the timing and content of the
13 representations made to the Court, raises serious concerns about the integrity of defense conduct
14 and potential violations of professional responsibility. The Plaintiff respectfully requests that the
15 Court consider whether this conduct warrants further inquiry or clarification, including whether
16 appropriate disclosures and professional duties have been upheld.
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18 Plaintiff notes that the surname "Geller" is shared with Jonny Geller, a high-
19 profile literary agent and CEO of Curtis Brown Group (CBG)—a company that is central to
20 Plaintiff's allegations of access in the Second Amended Complaint and are under investigations
21 into persistent infringement of the M.W. Wolf catalogue of Fiction.
22

23 As outlined in the SAC and Rule 26(f) Discovery Plan, Plaintiff alleges that
24 Curtis Brown Group, and specifically Jonny Geller, had direct access to the Plaintiff's
25 manuscript, Bloodborg: The Harvest, and may have played a role in its unlawful use by Riot
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1 Games and Fortiche Productions. Their involvement in the development of Arcane and joint
2 monopoly over talent selected for 6 of the biggest roles in Arcane, along with UTA, cannot be
3 denied. Discovery has been filed to expose any quid pro quo deals, but the Plaintiff is concerned
4 that Riot will simply abuse and manipulate the discovery content, as they have a history of abuse,
5 dishonesty, mistreatment and malpractice.

6
7 While it is not suggested that Joshua Geller and Jonny Geller are definitively
8 related or affiliated, the possibility of a familial or professional relationship raises legitimate
9 concerns regarding impartiality, privileged information, and potential bias, especially if Riot's
10 legal counsel has had previous contact with Curtis Brown Group or Jonny Geller.
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13 **Accordingly, Plaintiff respectfully requests that the Court:**

14 Ask Defense Counsel to confirm on the record whether Joshua Geller has any
15 familial, professional, or social connection to Jonny Geller or the Curtis Brown Group and of
16 their involvement in the mistreatment of Bloodborg: the Harvest. If such a connection exists,
17 require immediate disclosure to determine whether recusal or reassignment of certain duties is
18 appropriate to preserve the integrity of the proceedings.

19 Delay the entry of any protective order or additional bifurcation motions until this
20 matter is clarified.
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23 This concern is not speculative; rather, it reflects Plaintiff's right to a fair and
24 impartial process, free from any undisclosed conflicts of interest. Transparency on this matter is
25 essential, particularly as settlement discussions and discovery obligations progress.

1 **7. Outstanding Discovery Obligations and Concerns Regarding Compliance**
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3 The Plaintiff formally raises concern that Defendant Riot Games, Inc. has failed
4 to respond to pending discovery requests in violation of their obligations under the Federal Rules
5 of Civil Procedure and this Court's Scheduling Order.

6 On March 14, 2025, Plaintiff properly served the First Set of Discovery Requests
7 on Defendant Riot Games, Inc., through their legal representatives at Greenberg Glusker Fields
8 Claman & Machtiner LLP. The discovery served included the following:

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10 Requests for Production of Documents (RFPs)

11 Interrogatories

12 Requests for Admission (RFAs)

13 Deposition Notices

14 Subpoena Requests

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17 These discovery requests were delivered via email to the following counsel of
18 record:

19 Aaron J. Moss (AMoss@ggfirm.com)

20 Joshua M. Geller (JGeller@ggfirm.com)

21 Andrew P. Lux (ALux@ggfirm.com)

22 Greenberg Glusker Fields Claman & Machtiner LLP

23 2049 Century Park East, Suite 2600, Los Angeles, CA 90067

To date, Defendant has not responded to any of the discovery requests served.

This is particularly concerning given that the response deadline is approaching imminently, and Riot Games has simultaneously indicated an intention to pursue procedural motions—including dismissal and bifurcation—while neglecting its responsibilities in discovery.

This conduct raises serious issues of compliance and fairness. It is improper for a party to threaten procedural motions while ignoring basic discovery obligations. Plaintiff respectfully requests that the Court take judicial notice of Defendant's silence in response to discovery and provide guidance on whether formal enforcement (e.g., motion to compel) is required at this stage.

This inaction, in tandem with aggressive procedural threats, further supports the concern that Defendant is attempting to derail or delay litigation while avoiding their own discovery obligations.

The Plaintiff requests a mediator to monitor the actions of Riot Games and their legal team.

Exhibit A – Plaintiff's First Set of Discovery Requests, served March 14, 2025

Exhibit B – Proof of Service

1 **8. Request for Appointment of Neutral Mediator**
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3 In light of the concerns raised throughout this filing—including procedural
4 misconduct, discovery non-compliance, potential conflicts of interest, and the Plaintiff's
5 vulnerable status as a disabled pro se litigant—the Plaintiff respectfully requests that the Court
6 appoint a neutral third-party mediator to monitor the actions and compliance of Riot Games, Inc.
7 and its legal representatives throughout the discovery and settlement process.

8

9 This mediator should be empowered to:

10 Monitor communications between parties for compliance with ethical standards
11 and ADA accommodations;

12 Oversee document exchange and discovery obligations to ensure timeliness,
13 manipulation of evidence and transparency;

14 Report any concerning conduct, procedural abuses, or retaliatory tactics to the
15 Court.

16 Ensure that the intent and fairness of the Court's Settlement Conference process
17 (Dkt 75) are preserved and respected.

18 Plaintiff believes this oversight is necessary given the documented pattern of
19 hostile behavior, delays, and procedural intimidation, and to protect the integrity of the
20 proceedings.

1 **9. CONCLUSION**

2 Plaintiff respectfully urges this Court to:

3 Enforce the integrity of the Settlement Conference,

4 Issue a Protective Order under FRCP 26(c),

5 Inquire into potential conflicts of interest,

6 Ensure Riot complies with discovery obligations,

7 Provide guidance to prevent harassment and abuse of process.

8 These actions are necessary to preserve fairness, protect a pro se disabled litigant,
9 and ensure this matter proceeds transparently and in line with the values of the Federal Judiciary.

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2 Respectfully submitted,
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4 Executed on March 26, 2025, in Coventry, England.
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6 Signature: *M.WOLSTENHOLME.*
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9 Plaintiff in Pro Per
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27 PLAINTIFF'S NOTICE OF CONCERN REGARDING LITIGATION CONDUCT, HARMFUL IMPACT ON
28 PLAINTIFF'S DISABILITY, AND REQUEST FOR COURT GUIDANCE AND PROTECTIVE ORDER